



# City of Carmel

## CARMEL PLAN COMMISSION December 19, 2006

### Minutes

The regularly scheduled meeting of the Carmel Plan Commission met December 19, 2006 at 6:00 PM in the Council Chambers of City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members present: Leo Dierckman, Dan Dutcher, Jay Dorman, Wayne Haney, Kevin Heber, Mark Rattermann, Rick Ripma, Carol Schleif, and Steve Stromquist, thereby establishing a quorum.

DOCS Staff Present: Mike Hollibaugh, Director, Matt Griffin and Christine Barton-Holmes, City Planners. John Molitor, Legal Counsel was also in attendance.

The minutes from the November 21, 2006 meeting were approved as submitted.

Legal Counsel Report: John Molitor reported that the Executive Committee of the Plan Commission met on December 12, 2006 and appointed Commission Member Rick Ripma as an alternate member to the Board of Zoning Appeals to function in Madeleine Torres' absence.

Department Announcements: Items 1H and 2H under Public Hearings have been Tabled to January 16, 2007; Item 3H (122 Penn Development) has been officially Withdrawn. Item 1I under Old Business has also been tabled to January 16, 2007.

Mike Hollibaugh, Director, addressed the Commission; preliminary plans are for a general training session for Plan Commission members on Saturday, February 03, 2007; Transportation Workshop scheduled for Saturday, March 03, 2007; and a Field Trip scheduled for April 13-14, 2007. Dates, Times, and Locations will be finalized and members noticed.

### **H. Public Hearings:**

#### **1H. Docket No. 06010003 Z: Guerrero Property – CONT to JAN. 16**

The applicant seeks to rezone 38.8 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing attached single-family residences and townhomes.

The site is located at the northwest corner of Towne Road and 131<sup>st</sup> Street.

Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.

**2H. Docket No. 06050004 Z: 10403 Pennsylvania Street – CONT to JAN. 16**

The applicant seeks to create to rezone property from R1 to B5.

The site is located at 10403 Pennsylvania Street and is zoned R1 within the Home Place Overlay.

Filed by Marshall Andich (owner).

**3H. Docket No. 06090044 PP: 122 Penn Development. OFFICIALLY WITHDRAWN**

The applicant seeks primary plat approval for a 27.42-acre site, to be divided into 2 parcels.

The site is located at the northeast corner of 122<sup>nd</sup> St. and Pennsylvania St., and is currently zoned B3.

Filed by Bryan Moll of American Consulting, Inc for 122 Penn Development.

**4H. Docket Nos. 06110012 PUD/06110013 ADLS: Cobblestone Commons**

The applicant seeks to create 24 detached single-family residences on 2.59 acres.

The site is located at 740-760 and 780 1<sup>st</sup> Avenue NW, and 121, 131, and 135 8<sup>th</sup> Street NW, and is zoned R2 Residential, pending approval to the PUD classification.

Filed by Jim Shinaver of Nelson & Frankenberger, for Uptown Partners, LLC.

Jim Shinaver, attorney, Nelson & Frankenberger appeared before the Commission representing the applicant, Uptown Partners. Also in attendance on behalf of Uptown Partners: Justin Moffitt and partner John Hefton; Tom Traeger, High Line Construction; Jim Shields and Eric Carter, Engineers with Weihe Engineers.

The proposal is for construction of 24 single-family, detached, semi-custom homes in a residential community to be known as Cobblestone Commons. The design and character of the homes have been modeled after the architectural standard and requirements found in the zoning ordinance for the Old Town District Overlay, specifically the character sub-area.

The development is located south of an adjacent to 136<sup>th</sup> Street, east of and adjacent to the Monon Trail, and west and adjacent to First Avenue NW. The site consists of approximately 2.59 acres. To the immediate north of the property is Traditions on the Monon townhome community and to the immediate west is the Village Green Townhome community.

The site will serve as a transition between the townhome communities to the north and the west, and the existing, detached, single-family residences to the east and south. In addition to creating this transition, the architecture will be consistent and compatible with the standards in the zoning ordinance for the Old Town area and with the homes that currently exist in the area today. The anticipated price range for the homes is expected to be between \$325, to \$380,000.

Ingress and egress to the site would be adjacent to First Avenue NW. Grass Pavers will be used at the emergency access location, but residents and/or visitors to the homes in this community would not be able to exit onto Smokey Row Road from the emergency access but would have to utilize the entrance or exit to the site on First Avenue NW.

Pursuant to the PUD Ordinance, the homes adjacent to Smokey Row Road have been designed so that those elevations would have to appear as front elevations that would face Smokey Row Road. The streets internal to the site will be private streets. The Department Staff and the Dept. of Engineering have reviewed the private streets as well as the TAC committee. The petitioner will be meeting with Gary Hoyt at the Fire Station so that he can review the internal street layout and the radius of the streets to be certain the Fire Dept. is comfortable with the street layout. Based on meetings and discussions, it is the petitioner's understanding that the Fire Dept is comfortable with the street layout. Cobblestone pavers have been utilized to add more character to the street design.

The landscape architect has created what can be termed as a common type of area that will include sidewalks, benches, and landscaping to create a courtyard feel for this area of the community. Also, adjacent to the Monon Trail, the landscape architect created a topiary garden that will include benches and even more landscaping. Where the private lane ends, a 3 ½ foot tall stonewall has been incorporated into the plan in order to screen headlights from the proposed development to the adjacent property.

Scott Brewer and Justin Moffitt have walked the site together and reviewed the landscape plan and Scott's comments and revisions made to the plan. The meeting went well, and the hope is to have a letter or email from Scott Brewer indicating his approval of the landscape plan.

Justin Moffitt, Uptown Partners addressed the Commission. Mr. Moffitt grew up in this neighborhood and has noticed that several homes in the area are in need of repair and many are beyond repair and need to be replaced. Mr. Moffitt and wife have moved back to the Old Town neighborhood because they are excited about the re-birth of Old Town and are looking forward to contributing to the health and vitality of the neighborhood by providing the opportunity for more people to move into the area. Mr. Moffitt has spent countless hours going door-to-door, talking with the neighbors regarding the proposed site and other changes in the area. It is because of the influence of several homeowners along First Avenue NW that Cobblestone Commons was designed as it is—a single-family, traditional architecture community that meets the design requirements of the Old Town Overlay Zone. The developer is working very hard to collaborate with the neighbors in an attempt to address as many concerns as possible.

Jim Shinaver stated that the petitioner meets the intent of the Old Town Overlay in terms of use, design, and materials. The petitioner strongly believes that the proposed Cobblestone community will have a positive impact on the adjacent, nearby property values.

Members of the public were invited to speak in favor of the petition; the following appeared:

**Public Remonstrance/Favorable:**

**Donald Fields**, 121 First Avenue NW, resident of Carmel since 1956, believes project will be an asset to the community with little impact on the neighborhood.

**Marsha Freeland**, 711 First Avenue NW, questioned landscaping on First Ave NW and wondered how close the development would be to the street.

**Bill Wiggam**, 411 First Ave NW, likes project and size of product—it fits with the downtown area

**Lance Snedecker**, 221 First Avenue NW, excited about proposed development—it will be a good transition into the neighborhood and will increase home values for the area residents.

**Tony Garcia**, 55 Fourth Street NW, likes transition between the townhomes and the existing single- family homes, the architecture, and feels the development will benefit the neighborhood.

**Elizabeth “BJ” Casalli**, 722 Hawthorne, Carmel, also property owner of 646 First Avenue NW, did not receive written notification of the proposal. The proposal is great, however, a continuing concern is that the people who live on First Avenue will have a horrible time getting out of the development and on to Smokey Row Road to go west. If there is a round about at Range Line Road and Smokey Row Road, the people who live there will never be able to get out of that area.

**Lance Hartig**, 641 First Ave NW, has done extensive renovations to his Victorian home and is generally impressed with Justin Moffett and the project. Would like to preserve the character of the neighborhood—most people have put a lot into their homes to preserve the look of Old Town and character of the neighborhood. Mr. Hartig has been involved in the character sub-district and committed to that idea. However, what has not been shown is the one story product that is a Ryland home look-alike and it does not match the neighborhood. The use should be in keeping with the best of the neighborhood and not the worst. No real concern with density as long as the buildings are in keeping with the character of the Old Town neighborhood.

**Steve and Sherry McVey**, 707 First Avenue NW, share the concerns expressed by Lance Hartig. Would like to see the development built as being promised and not cut back to a much less expensive product.

**Tom Harris**, 131 First Avenue NW, proposed plan marketed to families and a good plan—marketing to families will encourage families to live in Carmel and not leave the area in a “brain drain.”

**Remonstrance. Unfavorable:**  
**None**

### **The Public Hearing was then Closed**

**Department Comments, Matt Griffin:** The Department is recommending this item be forwarded to the Special Studies Committee on January 9, 2007 for further review and discussion. Most of the concerns have been addressed, but there are still some outstanding concerns.

### **Commission Comments:**

**Wayne Haney** was concerned with the density of the proposed development—24 single family homes will triple the density—actually 9.62 units per acre. The present zoning allows 3.9 units per acre. The proposal indicates the price of a home is between \$325-\$380,000; however, there are no real side yards, no rear yards, no place for children to play. There is a 20-foot alley behind the homes that requires a 90-degree turn into the garage, only six homes front on a street, there is only

S:/PlanCommission/Minutes/2006/pc2006dec19

one way in and one way out for 40/50 cars within this development. Most of the guest parking is along Smokey Row Road that will probably be widened in the future. There is very little room for garbage trucks, moving vans—these are very tight lanes. The site is extremely dense and there is no yard space for children to play.

**Mark Rattermann**, had the same type of issues as Commissioner Haney. What is the percentage of open space? Will these be dedicated streets? (No) What is the parking calculation? Is the alley the access way for the garages? Where will people park—there are no driveways!

**Jim Shinaver** responded that the percentage of open space has not been included at this time and will be calculated later. The streets are not dedicated—they are private. The plan includes 2 or 3 car garages as an option and 4 or 5 spaces within the project for visitors. The alley is an access to the garages--the interior units open into the courtyard; many homes will have three car-garage space parking.

**Mark Rattermann** reiterated that there are virtually no driveways for people to park. Mark said he could not support 9.62 density—a major concern is garages, lack of open space, and parking—for all those reasons, Mark could not support this proposal.

**Kevin Heber** thought the proposal was a great idea, however the density is too much, plots are too small, and houses too close together. There also needs to be more diversity in architectural style. There is a rhythm to the homes and the area, and this proposal does not fit here—one or two car garage should be the maximum, cannot recall ever seeing a three car garage in the Old Town area. There needs to be more windows on the sides of the houses.

**Carol Schleif** agreed that this proposal departs from the rhythm of the area and is not consistent with the pattern of the area. The boundaries of the area should be kept; the proposal is not appropriate for this area and does not follow the Old Town Overlay. 24 homes put a lot of cars on Range Line Road.

Carol Schleif also had the following comments:

- All but a few of those who signed the petition of support were not near the proposed development.
- I showed the plat of Old Town showing where the petition signers lived, and also showing the pattern of lots and building.
- Transition between the surrounding area and Old Town should not happen within the Old Town boundaries (I think that is what you were trying to explain)
- Massing of the buildings does not match Old Town. Typically they were built oriented front to back in single lots and side to side on double lots.
- I also mentioned that there is work under way by the Carmel Historical Society to create a program to help homeowners in Old Town learn how to improve and restore their properties. I am also talking with some members of the CRC about other possibilities.
- I showed an example of the documentation that is in progress for Old Town. This is what helps determine buildings, and why certain buildings or groups of buildings are significant. This is important because only a preliminary survey has been done in the Hamilton County

## Interim Report.

In view of the architectural design nature of the proposal, the Commission referred this item to the **Subdivision Committee on January 9, 2007** at 6:00 PM in the Caucus Rooms of City Hall.

### **I. Old Business**

#### **1I. Docket No. 06010008 Z: Midtown Village PUD – CONT to JAN. 19**

The applicant seeks to rezone 18.82 acres from I1/Industrail to PUD for the purpose of creating mixed-use development.

The site is located at 510 Third Avenue SW and is zoned I1/Industrial.

Filed by Lawrence Kemper of Nelson and Frankenberger for Centex Homes.

#### **2I. Docket No. 06050001 Z: Legacy/East Carmel PUD Rezone**

The applicant seeks to rezone 509.234 acres from S-1 to Planned Unit Development for the purpose of creating a primarily residential, mixed-use development.

The site is located north of 126<sup>th</sup> Street, south of 146<sup>th</sup> Street, and on either side of River Road. Filld by Steve Pittman and Paul Rioux of Pittman Properties.

Charlie Frankenberger, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Also present on behalf of Pittman Partners: Nick Churchill, Neal Smith, and Paul Rioux.

**Note:** Project includes some LEEDS aspects such as bio-swales, pervious pavers to allow storm water to percolate back into the ground and filtered, prairie preservation, bicycle racks, and bike paths/lanes.

**Also Noteworthy:** There has been no significant public remonstrance to this proposal. The petitioner has worked diligently with the neighbors and addressed their concerns.

Committee Report, Steve Stromquist: The LEEDS aspects of the project received positive comments from the Committee. The petitioner has committed to posting traffic signs to limit the route of construction traffic; bicycle parking has been addressed. Bike paths and lanes should be more thoroughly explained and remains an issue. Outside of density, the bike path was the biggest issue discussed during the entire process. It is important that all members of the Commission know and understand the bike issue.

The density will be approximately 2.7 units per acre based upon current market conditions. There is a little flexibility in the proposal, but The Legacy East must return to the Plan Commission for ADLS review and approval, so this will be looked at again. The Committee voted a 3-1 favorable recommendation.

### **Commission Member Comments:**

**Jay Dorman:** The proposal contains many representations of roadways. If anything is objectionable in the proposal, it is trying to cross a bike lane to get to retail—this is a great idea but bad implementation—it is not friendly to retail shoppers. Also, the elevated bike promenade is a

S:/PlanCommission/Minutes/2006/pc2006dec19

wonderful concept, but this concept should be tested. The bike promenade should be the same level of the road, same materials, and again, should be tested as a promenade.

Charlie Frankenberger responded that the petitioner's understanding is that Carmel is a bicycle friendly community and the project was to be very integrated with bicycle paths and should further Carmel's designation as a bicycle-friendly community. It is helpful to classify bicyclists into two categories: fitness bikers, and transportation/recreational bikers.

Nick Churchill stated that the petitioner has worked with bicycle friendly cities, Karyn Ryg with the DOCS, and Councilman Ron Carter. The promenade is somewhat a hybrid between the typical multi-use path and a bicycle boulevard. The change in elevation separates the traffic and that is the intention of putting the rolled curb between the two so that a motorist would understand that the area is different and not for a typical automobile. It also acts as the main arterial for bikes heading north/south.

**Kevin Heber:** Spoke in favor of the bike promenade—it works and has been done before. The promenade needs to be a separation and clear delineation between the traffic lanes/one way streets and the bike lanes. It could easily be a chaotic mix but can be solved by a designated space for bikes to move through—low speed, leisurely-type of travel.

Department Comments, Matt Griffin: At the time this item left Committee, there was a small list of items that the Committee wanted to incorporate into the PUD document—the petitioner has now provided all of the items and currently almost finished with the Engineering review. There are a couple of items that will probably be discussed more in depth at the Council level in terms of priority, but nothing major. Engineering has given tentative approval at this time. The Department is recommending this item be forwarded to the City Council with a positive recommendation, subject to the Engineering approval.

**Mark Rattermann** said he voted against this at the Committee level—there are no one-way streets in the City and he did not see justification for the one-way streets. We are doing everything we can to accommodate the bicycle, and there is no problem with bicycle paths, but did not want to send the message to take out the streets and put in bicycle paths—that is what is being done here—taking the traffic out to accommodate the bikes.

**Wayne Haney:** Shared some demographic data with the Commission—the PUD as planned provides for 1,344 dwelling units: 500 townhomes, 300 apartments, 544 single family homes for an estimated total of 4, to 5,000 persons, 1,800 to 2400 vehicles, and 1150 to 2400 children. If 1/3 of the children are primary age (kindergarten) 15 classrooms would be required —2/3 of the children would equal 32 classrooms. This is a large development with four, primary means of egress—two onto River Road, and the assumption is that there will be traffic signal, otherwise residents will never be able to get out of the subdivision. Bike paths are nice, trees are nice, but we are talking about 5,000 people living in an area—we want to see lot sizes and how these people will live—we are charged to consider the health, safety and welfare of the people—we only see diagrams.

**Steve Stromquist** reported that the petitioner had obtained a letter from the School System stating that another school for the area is not needed and the school is not an issue. Road cuts onto 146<sup>th</sup>

Street are up to the County. The committee did see design structure and representation of unit dwellings.

Charlie Frankenberger confirmed the situation with the School Administration. There are also full, written, architectural standards and corresponding character illustrations of different types of buildings intended to be built. The Legacy is currently at the rezone stage and will be required to return to the Commission for ADLS approval.

**Additional Commissioner Comments:**

**Dan Dutcher** noted that a lot of hard work has been done by the Committee on this project—the look and feel of this proposal is good. A lot of attention has been paid to the bicycle/pedestrian plan; the open space focus is good. This proposal is a bit innovative, and sometimes innovation can be a little scary. The proposal is unique, but this is a unique piece of property. The fact that the developer must return for additional DP/ADLS should be recognized and we need to focus on the rezone at this point. There is one question regarding a direct link/path to the school, since this property abuts the Prairie View Elementary School.

Charlie Frankenberger responded that the plan requires a pedestrian connection to the school; this will be done.

**Mark Rattermann** agreed with Wayne Haney’s demographic comments and followed up on comments relating to the school situation. The School Administration states they only have the children for six to eight years at the primary level, and they rotate out all of the time. The school system may be on a timeline looking at this saying that if this is built today, children will be generated into the school three to four years from now—at the same time, Haverstick will be in the middle school and high school. The school may have a melding of the students in that regard.

**Carol Schleif:** The density of 3.67 is still a concern.

Charlie Frankenberger stated that initially, the residential density calculation includes detached single, larger detached, single family, smaller detached single family, all attached options, flats, condominiums, things of that nature, and all CCRC cottages. The density figure in the residential calculation did not include less intense uses and more ancillary uses such as a bed and breakfast, CCRC multi-unit buildings—the occupants are generally elderly, retired, and not AM/PM people—their life styles are more sensitive. Also not included were accessory buildings—“granny flats.” These are units on the same lots as the primary dwelling but typically occupied by someone who would reside in the dwelling if they did not reside in the granny flat such as an in-law. The acreage that is east of River Road is calculated in the density but not included in the “white” area. The white area, per the PUD is not governed by the PUD and remains S-1; the 85 acres will remain as open space.

**Carol Schleif** further commented that since the 80 acres of open space is not contiguous, the people on the west side of River Road would probably not use the open space. Including the open space in the density calculation skews the density issue—it is at least double what it should be. That space is already un-useable—it could not have been used anyway. The environmental spaces will not be used either, whether it is this development or something else. It is unfortunate—this space is not



beneficial to all of the residents. Carol wanted to see more useable open space rather than open space that must happen because of the environment that should be protected anyway.

**Jay Dorman** suggested that the positive input/comments from the Committee/Commission members be forwarded to the City Council members prior to their review. Perhaps a representative of the DOCS or Plan Commission could be available at City Council level.

**Mark Rattermann** commented that the City Council will look at this independently, they all have their own ideas of what is and is not correct, but they do rely on the Plan Commission for details. Commission members should vote their conscience. Whatever happens—vote in favor or not, this will still go to the Council.

**Carol Schleif** also noted that the PUD includes a 10% substantial alteration clause and on a project this large, to allow anyone to make a 50-acre judgment call is too large and it should come back before the Plan Commission. Also, ten townhomes in a row are too many—we will end up with massing problems. Lakes should be more naturalistic—they are really squeezed in and look like there was not much attention to this feature.

**Jay Dorman** made formal motion to **forward Docket No. 06050001 Z: Legacy/East Carmel PUD Rezone** to the City Council, together with issues/comments made by Commission members, seconded by Dan Dutcher, **Approved** 7 in favor two opposed (Rattermann, Schleif.)

3I. **Docket No. 06090039 ADLS: Weston Pointe Professional Center**

The applicant seeks architecture, design, landscaping, lighting, and signage approval to build one, two-story, 12,280-square foot office building on 2.24 acres.

The site is located at Michigan Road and Weston Pointe Drive, and is zoned B2. It is located within the US 421/Michigan Road Overlay.

Filed by Darci Pellom of Civil Designs, LLP for Williams Realty

**Present for Petitioner:** Darci Pellom, Civil Designs appeared before the Commission representing the applicant. Also in attendance: Jim Peck and Dave Gilman, Williams Realty.

Darci up-dated the Commission on the Professional Center with the following information: The overall site plan was approved in August, 2005 with three out-lots. Almost 30,000 square feet of retail and approximately 32,000 square feet of professional office space. When the out-lots are developed, they will return to the Commission for ADLS approval. The out-lot on the southwest corner is nearing completion and will house the 3,000 square foot Huntington National Bank. Out-lots two and three have yet to be determined. The retail building is nearly complete with the Stone Creek Restaurant in the Rotunda portion of the retail. The 7,000 square foot professional building in the northwest corner is now complete—asphalt is in place and landscaping is being done.

The current layout of the site shows the revised Huntington National Bank and the office building—a different configuration when initially approved. It is the same square footage--25,600 square feet, two stories on 2.25 acres.

The elevation shows the multiple-tenant building with two entrances, one on the north side of the

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building, one in the southwest corner. There is a concrete terrace that faces Weston Pointe Drive. The building will be constructed of two tones of brick with metal canopies over the doors. The main building material is a light red/brown brick with the accent being a darker red/brown brick. The building has EFIS cornice and cast stone accents at the base and around the entrances of the building.

The signage is white, individually flush-mounted, internally illuminated channel letters that will face Weston Pointe Drive. The photometrics as a part of this package was designed as part of the overall Weston Pointe Retail Center and is in compliance with the Zoning Ordinances—single arm mounts, 25-foot tall poles, 120 volts with the 80 degree vertical shielding, bronze.

The landscape plan has not yet had final approval, but the petitioner has met with Scott Brewer and received comments that are minor in nature. The plan with revisions will be re-submitted to Scott Brewer for final comment. The building and the site are in keeping with the overall architectural design of Weston Pointe. At this time, the petitioner is requesting approval.

Committee Report, Steve Stromquist: The Committee favorably approved this item 4-0. Most of the issues were readily addressed by the petitioner, including the awning. The only outstanding issue was the bike path/bike parking.

Department Report, Matt Griffin: The outstanding concerns have been addressed; Scott Brewer has given verbal approval of the landscape plan. The Department is requesting approval as forwarded by the Committee.

Rick Ripma questioned the number of parking spaces.

Darci Pellom explained the parking layout and reported that there are 100 spaces and it complies with the Ordinance—spaces were not double-counted.

Carol Schleif noted that there was a question regarding construction materials.

Jim Peck, Engineer explained that on either side of the door there will be a cast stone, the bands will be a darker color of brick and samples were provided to the Committee. There was a concern with the awning—it will be rolled steel to give a curve effect—the awning will be a steel frame with some type of plexiglass inserts.

Carol Schleif asked to which one of the four Overlay styles this building belongs—it doesn't seem to go with anything. The detail in the front needs to be an accent in the same style and it does not look as if it is the same building.

Dave Gilman, Williams Realty stated that there are no awnings on the other retail center—this is a separate professional center. The goal is to stand out among the other professional office buildings in the area.

Carol Schleif noted that the design style does not meet the Overlay.

Wayne Haney said he liked the building but suggested the stonework be carried up to the second floor, take the main entrance glass all the way to the top, and eliminate the canopy.

Dave Gilman asked to take the aspects of the entry back to the Special Studies Committee or the Department Staff, and proceed with the balance of the building.

Jay Dorman made formal motion to approve Docket No. 06090039 ADLS Weston Pointe Professional Center, subject to the entryway being re-designed and proposed to the **Subdivision Committee** at the next regular meeting of January 9, 2007. If there is lack of consensus at Committee, the Docket will return to the full Commission meeting on January 16, 2007, otherwise the Committee will have the final vote, seconded by Steve Stromquist, Approved 9-0.

4I. **Docket No. 06090041 PP: Towne Oak Estates.**

The applicant seeks primary plat approval for an 18.75-acre site, to be divided into 16 parcels with one public cul-de-sac access point.

In conjunction with this request, the applicant seeks the following waivers:

**Docket No. 06100025 SW SCO Chapter 06.03.07** Cul-de-Sac length exceeds 600 feet.

**Docket No. 06100026 SW SCO Chapter 06.03.21** Request to have one access point for 16 parcels, two access points required for subdivisions with 15 or more lots.

The site is located south of 131<sup>st</sup> Street on Towne Road and is zoned S1.

Filed by Matthew Skelton of Baker and Daniels, LLP for 56 Towne, LLC.

Matt Skelton, attorney with Baker & Daniels appeared before the Commission representing the applicant. Also present: Rick Huffman and Mark Humphry from the development team and the project engineer, Harry Batt with Schneider Engineering.

The property is located along the east side of Towne Road just north of 116<sup>th</sup> Street. This Docket was reviewed by the Subdivision Committee and received unanimous favorable recommendation. There were a few items to be addressed.

The petitioner was asked to coordinate with the developer of the Village of WestClay for the connection of the trail to an existing trail in the VOWC community. Brenwick has agreed to the trail connection and it should not be a problem. However, if the connection were a problem with the Village of WestClay, there is an alternative connection through CoxHall Gardens. The Hamilton County Parks Department has stated no interest in any kind of marker delineating park property.

In response to the request of the Committee, evergreens have been added along the Towne Road frontage to provide additional screening and coloring in the winter season. The island in the center of the cul-de-sac was also removed and this is reflected in the revised plan. The petitioner has also made a commitment to not allow front-load garages. The petitioner has also incorporated tree protection guidelines as supplied by the Department Staff.

At this time, the petitioner is requesting a vote.

Committee Report, Rick Ripma: The petitioner has adequately characterized the review of the Subdivision Committee. The vote of the Committee was 4-0 in favor of recommending approval.

Department Report, Matt Griffin: All concerns have been resolved and the Department is recommending approval as forwarded by the Committee.

Dan Dutcher made formal motion for approval of **Docket No. 06090041 PP, Towne Oak Estates, Docket No. 06100025 SW, cul-de-sac length, and Docket No. 06100026 SW, one access point**, seconded by Rick Ripma, APPROVED 8-0 (Wayne Haney was absent from room at time of vote.)

5I. **Docket No. 06090042 PP: Cherry Tree Grove.**

The applicant seeks primary plat approval for a 20.44-acre site, to be divided into 34 parcels.

The site is located on Cherry Tree Road, south of 146<sup>th</sup> Street, and is currently zoned S1, with S2 zoning pending Council approval.

In conjunction with this request, the applicant seeks the following waiver:

**06100024 SW SCO Chapter 06.03.15** Radius of curvature measured along the center line

Filed by Matthew Skelton of Baker and Daniels, LLP for RDJ Land Development, LLC.

Matt Skelton, attorney with Baker & Daniels appeared before the Commission representing the applicant. Chris White could not be in attendance this evening.

The petitioner is requesting approval of the Primary Plat for Cherry Tree Grove, a 34-lot custom home subdivision. The petitioner received Committee review and a favorable recommendation. All issues have been resolved.

The petitioner has agreed to limit the number of front-load garages in the community, actually no more than two lots will have front-load garages. The petitioner has also re-designed the cul-de-sac in order to provide a buffer and green area. All issues with the Engineering Department have been resolved at this time as evidenced by an email from the Engineering Department.

Committee Report, Rick Ripma: The cul-de-sac was relocated and the lot design was changed—the Committee was comfortable with the changes and the balance of the project. The Committee 4-0 to recommend approval.

Department Report, Matt Griffin: The Department is comfortable recommending approval so long as the intersection design is under full control by the Carmel Engineering Department in terms of design and completion. At this time, the Department is recommending approval as forwarded by the Committee.

Carol Schleif tendered some drawings to the petitioner regarding the massing and configuration of the building, and the width of the lots. The open space on this development is tucked way off in a corner and not very accessible. The conservancy lot is not accessible to anyone once the backyard

fences go up. Wayne Haney had suggested maybe “sliding it” and being able to put a trail in—a fantastic solution.

Matt Griffin explained that the Ordinance permits the Conservancy lot as an option for preserving woodlands and natural areas. The conservancy lot was never intended to have other, individual use as a public space—it is a private lot.

Carol Schleif noted that from a standpoint of site design, it was not a desirable situation.

Dan Dutcher made formal motion for approval of **Docket No. 06090042 PP, Cherry Tree Grove,** and **Docket No. 06100024 SW, radius of curvature**, seconded by Rick Ripma, APPROVED 7 in favor, two opposed (Dorman and Schleif.)

**6I Docket No. 06100001 DP Amend/ADLS Amend: Block E, West Carmel Center**  
The applicant seeks Development Plan Amendment and ADLS Amendment approval for the construction of four, one-story buildings on a 3.04-acre parcel within Block E of Phase II of the West Carmel Center Office Park.

The site is located at the intersection of 106<sup>th</sup> Street and Michigan Road, within the Michigan Road/US 421 Overlay, and is zoned B5.

Filed by Brett Baumgarten of Coastal Partners.

Tony Haulsey, American Consulting, 7360 Shadeland Station, Indianapolis appeared before the Commission representing the applicant. Also in attendance: Alan Fetahagic, Engineer with American Consulting; Tom Ott, Coastal Partners, developers of the site; and Paul Meyer, architect.

The petitioner is seeking DP/ADLS approval for four, one-story office buildings, approximately 8,000 square feet. This Docket is the continuation of a project that was approved in 2005.

The petitioner initially appeared before the Plan Commission in November, 2006. The petitioner was referred to the Special Studies Committee for review on December 5, 2006 and received a favorable recommendation for approval. The petitioner also appeared before the BZA for a variance.

There has not been any public remonstrance on this proposal.

Bicycle parking spaces were added as well as sidewalks and a crosswalk for pedestrian connectivity.

Committee Report, Steve Stromquist: In 2005, Phase I was approved—identical to the proposed buildings. The buildings are nice looking and the petitioner has done a good job with the layout in Phase I and Phase II should be the same quality. The Committee recommended 4-0 to approve at the December 5, 2006 meeting. There were no outstanding issues other than the bicycle parking.

Department Report, Matt Griffin: The Department has no outstanding concerns—the landscape plan has been approved. At this time, the Department is requesting approval as forwarded by the Committee.

Jay Dorman asked about the trash enclosure on the east side of the property—is the fence solid wood or brick and will there be any landscaping surrounding the enclosure?

Tom Ott, Coastal Partners responded that the enclosure is mostly brick and extensively landscaped. There is also a gazebo on site and landscaping to block headlights from cars in the parking lot. No outstanding concerns.

Jay Dorman asked the petitioner to look at existing stock and replace dead or dying trees as a part of spring maintenance.

The petitioner agreed to replace the dead trees.

Jay Dorman also asked about fencing around some type of utility box and requested that the types of fencing match or blend.

Steve Stromquist made formal motion to approve **Docket No. 06100001 DP Amend/ADLS Block E, West Carmel Center**, seconded by Rick Ripma, **APPROVED 9-0**.

**7I. Docket No. 06100005 ADLS: Kohl's of West Carmel Marketplace**

The applicant seeks architecture, design, landscaping, lighting, and signage approval to build one, one-story, 99,148-square foot department store on 8.2 acres.

The site is located at Michigan Road and 99<sup>th</sup> Street, and is zoned B2 and B3. It is located within the US 421/Michigan Road Overlay.

Filed by Mike Klingl, RLA, of Atwell-Hicks, LLC for Duke Construction.

Mary Solada, attorney with Bingham, McHale appeared before the Commission representing the applicant. Also present: Mike Klingl; Brandon Burke, Duke Construction; and Chris Burcham, representative of Spring Arbor HOA.

Mary Solada noted that Kohl's has tendered signed commitments regarding the berming, landscaping, and solid board fencing.

At this time, the petitioner is seeking ADLS approval only.

Committee Report, Steve Stromquist. The petitioner worked very well with the Spring Arbor HOA and the outstanding issues have been addressed regarding the berming, landscaping, and the privacy fence at the rear of the store that would face the Spring Arbor neighborhood.

Department Report, Matt Griffin: There are no outstanding concerns and approval is being requested as forwarded by Committee.

Jay Dorman expressed disappointment with Commerce Drive—the area shows existing shadow box fences that Mr. Dorman would not utilize in his home or property. Mr. Dorman was expecting

something with more integrity and higher quality from Duke such as the fence at Clay Terrace between the development and the residential area—an interspersing of brick and a nice design, solid wood fence.

Carol Schleif agreed with comments made by Jay Dorman and also expressed disappointment with the evergreens on the site—they meet the height requirement but they are not very full at the top. We are decades away from an effective screen or mature plant growth.

Mike Klingl, Atwell-Hicks addressed the Commission. Conversations had been held with Chris Burcham with Spring Arbor HOA. The issue was the area adjacent to the dock—the area of greatest vehicular movement and truck transportation. The petitioner agreed to berm the area--- there is a four-foot drop between the parking lot and the curb. The petitioner agreed to berm the area. The stopping place for the fence is the utility easement.

Jay Dorman commented that the fence did not have to be contiguous, it could be off-set.

Carol Schleif said she would be trying to screen the “big box,” not just the trucks, and there is no landscaping that attempts to do that.

Mary Solada noted that the Plan Commission had approved the perimeter landscaping of this project in July. The building is being superimposed on the site around the approved landscaping.

Jay Dorman said he was more concerned about the aesthetics of Commerce Drive.

Dorman made formal motion to approve **Docket No. 06100005 ADLS, Kohl’s of West Carmel Marketplace, subject to** revised east and northeast landscape plan and fencing plan, and forwarding to Subdivision Committee with specific instructions for taller plantings and a different design fence, seconded by Carol Schleif. The vote was three in favor, six opposed, (Dierckman, Dutcher, Haney, Rattermann, Ripma, Stromquist.) **Motion Denied.**

Matt Griffin commented that the intent of the fence and landscaping is to buffer the views of the cars in and out. There will probably never be a point where a building of this magnitude will be screened.—there will be no forest planted around this, nor will there be a 30-foot high wooden fence. The reality is that there is a service side to these buildings—how we handle it is the big question.

**Chris Burcham, Spring Arbor HOA,** addressed the Commission with comments regarding the fence. The primary purpose of the fence was to provide as much elevation and screening for sound,—truck travel noise as it comes in and out of the bay. Secondly, the residents wanted something that is aesthetically pleasing, preferably as high as possible and solid board, like the fence at Clay Terrace. The intent of the fence is to screen truck travel as it comes in and out of the delivery bay as well as provide some aesthetic benefits. We will settle for solid board. The residents were extremely disappointed with the fence at Home Depot—the solid board fence will be much better.

Jay Dorman said he was OK with a 6-foot fence, masonry interspersed is a wonderful thing and

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would give a lot of class to Commerce Drive. The intensity and density of the landscaping is appreciated, but the petitioner could probably get by with less if there were a few taller specimen evergreens. A more radical proposal would be that unless the right fencing is done all the way down through Home Depot, Jay would not vote for approval.

Mary Solada stated that Home Depot's all-masonry building is the most expensive they have ever built. Because the Commission has an ordinance that requires masonry, there is only so much money the petitioner can throw at this.

Steve Stromquist made formal motion to approve **Docket No. 06100005 ADLS, Kohl's of West Carmel Marketplace**, seconded by Rick Ripma, **APPROVED** 6 in favor, 3 opposed (Dierckman, Dorman, Schleif.)

**Note:** Leo Dierckman reported that there are several dead pine trees at Carmel Elementary School that need to be replaced. The Department agreed to make a note of the situation.

Leo Dierckman suggested that when new business comes up, comments could be sent to Committee members by email. When Committee reports are being given, it is helpful to note the items that were brought up at Committee at this is how those items were addressed. It should resolve a lot of questions.

There was no further business to come before the Commission and the meeting adjourned at 9:15 PM.

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Leo Dierckman, President

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Ramona Hancock, Secretary